

AMENDMENT NO. _____ Calendar No. _____

Purpose: To specify the data to be included in the annual report that the Commissioner of U.S. Customs and Border Protection is required to submit to Congress on the use of the authority to waive the polygraph examination requirement for certain applicants for law enforcement positions.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 595

To provide U.S. Customs and Border Protection with additional flexibility to expedite the hiring process for applicants for law enforcement positions, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. HEITKAMP

Viz:

1 On page 6, strike lines 4 through 20 and insert the
2 following:

3 **“SEC. 5. REPORTING REQUIREMENTS.**

4 “(a) ANNUAL REPORT.—Not later than 1 year after
5 the date of the enactment of the Anti-Border Corruption
6 Reauthorization Act of 2017, and annually thereafter
7 while the waiver authority under section 3(b) is in effect,
8 the Commissioner of U.S. Customs and Border Protection

1 shall submit a report to Congress that includes, with re-
2 spect to the reporting period—

3 “(1) the number of waivers requested, granted,
4 and denied under section 3(b);

5 “(2) the reasons for any denials of such waiver;

6 “(3) the percentage of applicants who were
7 hired after receiving a waiver;

8 “(4) the number of instances that a polygraph
9 was administered to an applicant who initially re-
10 ceived a waiver and the results of such polygraph;

11 “(5) an assessment of the current impact of the
12 polygraph waiver program on filling law enforcement
13 positions at U.S. Customs and Border Protection;
14 and

15 “(6) additional authorities needed by U.S. Cus-
16 toms and Border Protection to better utilize the
17 polygraph waiver program for its intended goals.

18 “(b) **ADDITIONAL INFORMATION.**—The first report
19 submitted under subsection (a) shall include—

20 “(1) an analysis of other methods of employ-
21 ment suitability tests that detect deception and could
22 be used in conjunction with traditional background
23 investigations to evaluate potential employees for
24 suitability; and

1 “(2) a recommendation regarding whether a
2 test referred to in paragraph (1) should be adopted
3 by U.S. Customs and Border Protection when the
4 polygraph examination requirement is waived pursu-
5 ant to section 3(b).”.